

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

US FOODS, INC.,	:	CIVIL ACTION
	:	
Plaintiff,	:	No.: 2:19-cv-00946-JFC
	:	
v.	:	
	:	
WILLIAM T. KANE aka BILL T. KANE, an individual; and RONALD G. LINABURG, D.D.S., an individual,	:	
	:	Electronically Filed and Served
Defendants.	:	

**UNOPPOSED MOTION TO EXTEND DEADLINES
TO COMPLETE MEDIATION AND FACT DISCOVERY**

Plaintiff US Foods, Inc., by its counsel, sets forth this Unopposed Motion to Extend Deadline to Complete Mediation and Fact Discovery as follows:

1. Following the initial status conference, this Court entered an order referring the case to mediation and requiring mediation to be completed by March 10, 2020 unless extended by order of the Court. (ECF No. 47, Page 1 of 2).
2. The parties selected mediator Judge Gary P. Caruso. (*Id.*)
3. The parties attempted to schedule the mediation on or before March 10, 2020 but were unable to coordinate their schedules in order to do so.
4. On January 28, 2020, this Court granted Plaintiff's Unopposed Motion to Extend Deadline to Complete Mediation to April 1, 2020. (ECF No. 49).
5. The parties scheduled the mediation for March 25, 2020 with Judge Caruso and were ready to proceed.
6. In light of the national emergency created by the COVID-19, and in light of the guidelines imposed by the Centers for Disease Control and Prevention, the parties could not

conduct the mediation in person on March 25, 2020. Defendants believe that a mediation by telephone will not be fruitful.

7. As a result, the parties sought a second extension of the deadline to complete mediation up to and including June 5, 2020, which was granted on March 19, 2020. (ECF No. 52).

8. The parties seek a third extension of the deadline to complete mediation, because the parties are uncertain as to when the COVID-19-related restrictions will be lifted, and because US Foods and its counsel will rely on air travel in order to attend the mediation.

9. The parties are prepared to mediate in good faith and seek this Court's permission to extend the date to complete mediation until July 10, 2020.

10. The current deadline to complete fact discovery is May 8, 2020. (ECF No. 45). In light of the extension of time to complete mediation, the parties also seek an extension of the deadline to complete fact discovery until August 14, 2020.¹

11. Counsel for Defendants consent to the filing of this Motion.

WHEREFORE, Plaintiff US Foods, Inc. respectfully requests that this Court extend the deadline to complete mediation until July 10, 2020 and to complete fact discovery until August 14, 2020.

¹ The Court also has a status conference scheduled for May 12, 2020 that it may wish to reschedule. (ECF No. 45).

DATED this ___ day of April, 2020.

**STRASSBURGER, MCKENNA, GUTNICK &
GEFSKY**

By: /s/Gretchen E. Moore

Gretchen E. Moore

Pa. ID. No. 202103

Four Gateway Center, Suite 2200

444 Liberty Avenue

Pittsburgh, PA 15222

Telephone: (412) 281-5423

Email: gmoore@smgglaw.com

BRYAN CAVE LEIGHTON PAISNER LLP

By: /s/Maria Z. Vathis

Maria Z. Vathis

161 N. Clark Street, Suite 4300

Chicago, IL 60601

Telephone: (312) 602-5127

Email: maria.vathis@bclplaw.com

Counsel for Plaintiff US Foods, Inc.